

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

|                            |   |                          |
|----------------------------|---|--------------------------|
| IN RE:                     | ) |                          |
|                            | ) |                          |
| EASTERN LIVESTOCK CO., LLC | ) | Case No. 10-93904-BHL-11 |
|                            | ) |                          |
| Debtor                     | ) |                          |
| _____                      | ) |                          |

**OBJECTION TO TRUSTEE'S PURCHASE MONEY CLAIMS  
REPORT, MOTION TO TRANSFER FUNDS AND NOTICE  
OF RELEASE OF PROCEEDS FROM ACCOUNT**

Comes now Coffeyville Livestock Market., LLC, by counsel, William E. Smith, III, of the Law Firm of Kightlinger & Gray, LLP, and submits this objection to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account on behalf of Coffeyville Livestock Market., LLC, (Coffeyville) a creditor in the above-captioned matter. In support of the Objection Coffeyville states as follows:

1. Coffeyville adopts all the arguments advanced by Superior Livestock Auction, Inc. in its Objection and Supplemental Objection as if fully set forth herein.

2. Furthermore, in review of the Trustee's Motion, Coffeyville's Purchase Money Claim was not listed in its attachments as a holder of a filed Purchase Money Claim.

3. However, Coffeyville, filed its amended Purchase Money Claim on April 14, 2011 for the sum \$19,889.50, which amended its original claim filed on March 22, 2011 and identified as Claim No. 129; a copy of said Claim is attached hereto as Exhibit "A".

4. On or about October 28, 2010 Eastern purchased twenty-five (25) head of cattle from Coffeyville and issued check No 124877 for \$19,889.50 for payment, drawn on its account at Fifth

110291 / 1357287-1

Third Bank.

5. Eastern's check was returned to Coffeyville unpaid and \$19,889.50 due Coffeyville remains unpaid.

WHEREFORE, Coffeyville Livestock Market., LLC, respectfully requests that its claim be declared to be a duly filed Purchase Money Claim, that the Trustee's Motion and all relief requested therein be denied and for all other proper relief to which it may be entitled.

Respectfully submitted,

KIGHTLINGER & GRAY, LLP

By: /s/ William E. Smith, III  
William E. Smith, III

Counsel for Coffeyville Livestock Market, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on June 17, 2011, a copy of the foregoing "**Objection**" was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

David L. Abt – davidabt@mwt.net

John W. Ames – jaw@gdm.com

T. Kent Barber – kbarber@dlgfir.com

C. R. Bowles, Jr. – crb@gdm.com

Lisa Koch Bryant – courtmail@fbhlaw.net

James M. Carr – james.carr@backerd.com

James M. Carr – jim.carr@bakerd.com

John R. Carr, III – jrciii@acs-law.com

Deborah Caruso – [dcaruso@daleeke.com](mailto:dcaruso@daleeke.com)

Bret S. Clement – [bclement@acs-law.com](mailto:bclement@acs-law.com)

Jesse Cook-Dublin – [jcookdublin@vorys.com](mailto:jcookdublin@vorys.com)

Kirk Crutcher – [kcrutcher@mcs-law.com](mailto:kcrutcher@mcs-law.com)

Dustin R. DeNeal – [dustin.deneal@bakerd.com](mailto:dustin.deneal@bakerd.com)

Laura Day DelCotto – [ldelcotto@dlgfirm.com](mailto:ldelcotto@dlgfirm.com)

David Alan Domina – [dad@dominalaw.com](mailto:dad@dominalaw.com)

Daniel J. Donnellon – [ddonnellon@ficlaw.com](mailto:ddonnellon@ficlaw.com)

Sarah Stites Fanzini – [sfanzini@hooperblackwell.com](mailto:sfanzini@hooperblackwell.com)

Robert H. Foree – [robertforee@bellsouth.net](mailto:robertforee@bellsouth.net)

Sandra D. Freeburger – [sfreeburger@dsf-atty.com](mailto:sfreeburger@dsf-atty.com)

Terry E. Hall – [terry.hall@bakerd.com](mailto:terry.hall@bakerd.com)

John David Hoover – [jdhoover@hooverhull.com](mailto:jdhoover@hooverhull.com)

John Huffaker – [john.huffaker@sprouselaw.com](mailto:john.huffaker@sprouselaw.com)

James Bryan Johnston – [bjtexas59@hotmail.com](mailto:bjtexas59@hotmail.com)

Todd J. Johnston – [tjohnston@mcjllp.com](mailto:tjohnston@mcjllp.com)

Edward M. King – [tking@fbtlaw.com](mailto:tking@fbtlaw.com)

James A. Knauer – [jak@kgrlaw.com](mailto:jak@kgrlaw.com)

Theodore A. Konstantinopoulos – [ndohbky@bandr.com](mailto:ndohbky@bandr.com)

Randall D. LaTour – [rldatour@vorys.com](mailto:rldatour@vorys.com)

David L. LeBas – [dlebas@namanhowell.com](mailto:dlebas@namanhowell.com)

Elliott D. Levin – [robin@rubin-levin.net](mailto:robin@rubin-levin.net)

Elliott D. Levin – [edl@rubin-levin.net](mailto:edl@rubin-levin.net)

Kim Martin Lewis – [kim.lewis@dinslaw.com](mailto:kim.lewis@dinslaw.com)

Karen L. Lobring – [lobring@msn.com](mailto:lobring@msn.com)

John Hunt Lovell – [john@lovell-law.net](mailto:john@lovell-law.net)

John Frederick Massouh – [john.massouh@sprouselaw.com](mailto:john.massouh@sprouselaw.com)

Michael W. McClain – [mike@kentuckytrail.com](mailto:mike@kentuckytrail.com)

Kelly Greene McConnell – [lisahughes@givenspursley.com](mailto:lisahughes@givenspursley.com)

William Robert Meyer, II – [rmeyer@stites.com](mailto:rmeyer@stites.com)

Allen Morris – [amorris@stites.com](mailto:amorris@stites.com)

Judy Hamilton Morse – [judy.morse@crowedunlevy.com](mailto:judy.morse@crowedunlevy.com)

Walter Scott Newbern, III – [wsnewbern@msn.com](mailto:wsnewbern@msn.com)

Matthew J. Ochs – [matt.ochs@moyewwhite.com](mailto:matt.ochs@moyewwhite.com)

Cathy S. Pike – [cpike@weberandrose.com](mailto:cpike@weberandrose.com)

Ross A. Plourde – [ross.plourde@mcafeeafter.com](mailto:ross.plourde@mcafeeafter.com)

Wendy W. Ponader – [wendy.ponader@bakerd.com](mailto:wendy.ponader@bakerd.com)

Timothy D. Pridmore – [tpridmore@mcjllp.com](mailto:tpridmore@mcjllp.com)

Jeffrey E. Ramsey – [jramsey@hooperblackwell.com](mailto:jramsey@hooperblackwell.com)

Mark A. Robinson – [mrobinson@vhrlaw.com](mailto:mrobinson@vhrlaw.com)

Jeremy S. Rogers – [Jeremy.Rogers@dinslaw.com](mailto:Jeremy.Rogers@dinslaw.com)

John M. Rogers – [johnr@rubin-levin.net](mailto:johnr@rubin-levin.net)

Ashley S. Rusher – [asr@blancolaw.com](mailto:asr@blancolaw.com)

Ivana B. Shallcross – [ibs@gdm.com](mailto:ibs@gdm.com)

Robert K. Stanley – [robert.stanley@bakerd.com](mailto:robert.stanley@bakerd.com)

Meredith R. Thomas – [mthomas@daleeke.com](mailto:mthomas@daleeke.com)

John M. Thompson – [john.thompson@crowedunlevy.com](mailto:john.thompson@crowedunlevy.com)

Stephen A. Weigand – [sweigand@ficlaw.com](mailto:sweigand@ficlaw.com)

Sean T. White – [swhite@hooverhull.com](mailto:swhite@hooverhull.com)

Jessica E. Yates – [jyates@swlaw.com](mailto:jyates@swlaw.com)

James T. Young – [james@rubin-levin.net](mailto:james@rubin-levin.net)

U.S. Trustee – [ustpreion10.in.ecf@usdoj.gov](mailto:ustpreion10.in.ecf@usdoj.gov)

/s/ William E. Smith, III  
William E. Smith, III

KIGHTLINGER & GRAY, LLP  
Bonterra Building, Suite 200  
3620 Blackiston Boulevard  
New Albany, IN 47150  
PHONE: (812) 949-2300  
FAX: (812) 949-8556  
E-MAIL: [wsmith@k-glaw.com](mailto:wsmith@k-glaw.com)

B10 (Official Form 10) (4/10) Case 10-93904-BHL-11 Claim 129-2 Filed 04/14/11 Pg 1 of 3

| UNITED STATES BANKRUPTCY COURT     Southern District of Indiana   |  | PROOF OF CLAIM   |
|---|--|--|
| Name of Debtor:<br><b>Eastern Livestock Co., LLC</b>  |  | Case Number:<br><b>10-93904-BHL-11</b>   |
| NOTE: <i>This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</i>  |  |  |
| Name of Creditor (the person or other entity to whom the debtor owes money or property):<br><b>Coffeyville Livestock Market, LLC</b>  |  | <input checked="" type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  |
| Name and address where notices should be sent:<br><b>c/o William E. Smith, III<br/>Kightlinger &amp; Gray, LLP<br/>Bonterra Building, Suite 200<br/>3620 Blackiston Blvd.<br/>New Albany, IN 47150<br/>Telephone number: 812-949-2300</b>   |  | Court Claim Number: <u>129</u><br>(If known)<br><br>Filed on: <u>3/22/11</u>   |
| Name and address where payment should be sent (if different from above):<br><b>same as above</b><br><br>Telephone number:   |  | <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.<br><br><input type="checkbox"/> Check this box if you are the debtor or trustee in this case.  |
| 1. Amount of Claim as of Date Case Filed: \$ <u>19,889.50</u><br><br>If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.<br><br>If all or part of your claim is entitled to priority, complete item 5.<br><input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.  |  | 5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.<br><br>Specify the priority of the claim.  |
| 2. Basis for Claim: <u>Purchase Money Claim for sale of cattle</u><br>(See instruction #2 on reverse side.)   |  | <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).  |
| 3. Last four digits of any number by which creditor identifies debtor: <u>0291</u><br><br>3a. Debtor may have scheduled account as: _____<br>(See instruction #3a on reverse side.)   |  | <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725* earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507(a)(4).  |
| 4. Secured Claim (See instruction #4 on reverse side.)<br>Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.<br>Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input checked="" type="checkbox"/> Other<br>Describe: <u>7USC 181 et seq., Packers &amp; Stockyard Act</u><br><br>Value of Property: <u>\$19,889.50</u> Annual Interest Rate _____ %<br>Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ <u>19,889.50</u> Basis for perfection: <u>7 USC 181 et seq.</u><br><br>Amount of Secured Claim: \$ <u>19,889.50</u> Amount of Unsecured: \$ _____ |  | <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507(a)(5).<br><input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507(a)(7).<br><input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507(a)(8).<br><input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507(a)( ). |
| 6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.<br>7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)<br>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.<br>If the documents are not available, please explain:                         |  | Amount entitled to priority<br>\$ _____<br><br><small>*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>  |
| Date: <u>04/11/2011</u><br><br>Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.<br><br><u>/s/ William E. Smith, III</u><br><b>William E. Smith, III, Attorney for</b><br><b>Coffeyville Livestock Market, LLC</b>  |  | FOR COURT USE ONLY   |

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both 18 U.S.C. §§ 152 and 3571.

EXHIBIT "A"

Case 10-93904-BHL-11 Claim 129-2 Filed 04/14/11 Pg 2 of 3

Case 10-93904-BHL-11 Claim 129 Filed 03/22/11 Pg 2 of 3

**COFFEYVILLE LIVESTOCK MARKING, L.L.C.**BRIAN LITTLE  
Mobile: 918-331-7705P. O. Box 1074 • 822 W. 14th Street  
Coffeyville, KS 67337  
Office: 620-251-5460 • Fax: 620-251-4021JIMMY KING  
Mobile: 620-515-5464**TD 17X**BOUGHT BY EASTERN LIVESTOCK CO LLC  
ADDRESS 135 WEST MARKET  
NEW ALBANY, IN 47150-10/28/2010 18:27:38  
DENWALT AND SONS  
1004 W OKC RENO ST  
EL RENO, OK 73036-

| HEAD | TAG # | DESCRIPTION      | COMMENTS | PEN # | AVG     | WGT   | PRICE  | AMOUNT    |
|------|-------|------------------|----------|-------|---------|-------|--------|-----------|
| 8    | *18   | MIXED HFR        |          | 306   | VET 753 | 6025  | 100.25 | 6,040.06  |
|      |       | Reference #10077 |          |       |         |       |        |           |
| 17   | *19   | MIXED HFR        |          | 80    | VET 801 | 13625 | 100.75 | 13,727.19 |
|      |       | Reference #10088 |          |       |         |       |        |           |

25 Total Purchases 19650 19,767.25

Commission: Paid to Agent By Weight 0 19650 0.50 98.25  
Vet: 24.00

Total=&gt; 19,889.50

*Thank You!**CLM*Avg. Price/Pound 101.22  
Avg. Price/Head 795.58  
Avg. Wgt 786

I ATTEST THAT ALL LIVESTOCK REFERENCED BY THIS DOCUMENT AND TRANSFERRED ARE OF USA ORIGIN

I ATTEST THAT ALL LIVESTOCK REFERENCED BY THIS DOCUMENT AND TRANSFERRED ARE OF USA ORIGIN.  
THIS CONTRACT CONSTITUTES A BILL OF SALE TO THE ABOVE DESCRIBED LIVESTOCK. PAYMENT FOR WHICH IS HEREBY ACKNOWLEDGED. WE RETAIN TITLE TO ALL LIVESTOCK UNTIL ACCOUNT IS PAID IN FULL. WE DO NOT GUARANTEE STOCK AGAINST SICKNESS OR DEATH. WE ACT AS AGENTS ONLY. ALL GUARANTEES BETWEEN BUYER AND SELLER.

"A"

Case 10-93904-BHL-11 Claim 129-2 Filed 04/14/11 Pg 3 of 3

Case 10-93904-BHL-11 Claim 129 Filed 03/22/11 Pg 3 of 3

COMMUNITY NATIONAL BANK & TRUST  
14 N. LINCOLN  
CHANUTE KANSAS 66720

11-08-10

The following described unpaid item is returned herewith. The amount and processing fee, if shown, have been charged to your account shown above.

DRAWN BY/DRAWN ON

EASTERN LIVESTOCK CO  
FIFTH THIRD BANK

REASON

REFER TO MAKER

AMOUNT \$19,889.50  
FEE \$2.00

\*\*\* IMPORTANT NOTICE \*\*\*

COFFEYVILLE LIVESTOCK MARKET, L.L.  
CUSTODIAL ACCOUT FOR SHIPPERS PROC  
PO BOX 1074  
COFFEYVILLE KS 67337


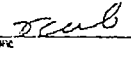
11/08/2010

This is a LEGAL COPY of your  
check. You can use it the same way  
you would use the original check.

RETURN REASON (S)  
REFER TO MAKER

Community  
National Bank

REFER TO MAKER

|  |   |  |                  |                     |
|--|---|--|------------------|---------------------|
| <br><b>EASTERN<br/>LIVESTOCK CO., LLC</b> | 135 West Market<br>New Albany, IN 47150<br>012-919-0035 |  | No 124877        | 124877              |
|  | PAY TO THE ORDER OF                                     |  | DATE<br>10/10/29 | CHECK No.<br>124877 |
| COFFEYVILLE LIVESTOCK MKT, LLC<br>P.O. BOX 1074<br>COFFEYVILLE, KS 67337   |   | AMOUNT<br>\$19,889.50  |                  |                     |
|  |   | SIGNATURE<br> |                  |                     |

" B "